

Special Report of the Receiver

Concerns Regarding the Guam Environmental Protection Agency

Civil Case No. 02-00022

United States of America v. Government of Guam
Guam Solid Waste Management Division

Prepared for:



U.S. District Court of Guam

Submitted by:



Gershman, Brickner & Bratton, Inc.
8550 Arlington Blvd, Suite 304
Fairfax, Virginia 22031

September 3, 2009

Printed on recycled paper

Civil Case No. 02-00022
United States of America v Government of Guam

Solid Waste Management Division

On June 5, 2009 the Receiver filed a Special Report to the Court in this matter. The Court subsequently issued an Order, also dated June 5, 2009 requiring that: “the Government of Guam provide the Receiver copies of:

- all written communications between GEPA staff members;
- all written communications between GEPA staff members and GEPA Board members;
- all written communications between GEPA Board members;
- all written communications between GEPA Board member(s) and any official of the Government of Guam, or between the entire GEPA Board and any official of the Government of Guam;
- all written communications between GEPA Board member(s) and GEPA applicants and their representatives; and
- any other written communication relevant to the GEPA Board’s compliance with the Consent Decree and the court’s subsequent orders enforcing the Consent Decree.

The Order also provided that the communications “shall be turned over personally to the Receiver representative at its Department of Public Works office by close of business on July 6, 2009.”

A large volume of documents were provided to the Receiver in the manner and time prescribed by the Court’s Order. These documents filled approximately six banker boxes plus there were hundreds of additional documents provided in an electronic format. We have now reviewed these documents and submit this Report to the Court for its consideration.

As we indicated in our report of June 5, 2009, we were informed by staff and officials of Guam EPA (the “Agency”) of pressure to give equal or greater priority to other permit applications, thereby discouraging the Agency’s staff from continuing to follow the Court’s Orders that require that the Agency to give priority to the permit application for the Layon Landfill in the use of its staff and other resources. We were also informed that this pressure included a threat to terminate the employment of the Administrator of the Agency. The sources of this information were very credible. However, to avoid the possibility of any negative repercussions against the individuals involved, they will not be identified in this report.

Most of the information provided to the Receiver pursuant to the Court’s Order is, as expected, routine in nature and do not bear on the concerns raised in our June 5, 2009 Special Report. There are, however, several communications that provide insight to the tensions within Guam EPA leading to the problems outlined in our Report of June 5, 2009. These include:

1. Concern and frustration within Guam EPA about the lack of adequate resources and a feeling among the staff of being caught between conflicting priorities of the Board and the Orders of the Court;

2. Tension between the Administrator and the Board; and
3. Conflict about who would replace the Administrator as the Acting Administrator after the Administrator recused herself in the GRRP Administrative Appeal to the GEPA Board.

These issues and concerns are only relevant to the work of the Receivership to the extent that they interfere with the Receiver's work to expeditiously bring about compliance with the Consent Decree. We have, therefore, limited the communications included in this report to those bearing directly on the concerns expressed in our June 5, 2009 Report.

Conflicting Priorities and Staffing Issues

In a series of emails during the latter part of January 2009, Barbara Torres stated "because of two landfill permits being a 'priority', one by the Courts and the other by the GEPA Board, I will need direction or additional support. But again, I also speak for other GEPA staff whose review time in these documents are also dealing with what 'priority' comes first." A response from Conchita S.N. Taitano attempts to clarify this by stating that "Guam EPA has a Court Order which should be clear to everyone." Ms. Torres then forwards this to Assistant Attorney General Phil Isaac and Mr. Benny Cruz stating that "my direction from this forward will be on the Consent Decree." In response, Assistant Attorney General Phil Isaac informs Ms. Torres that "I understand from Pat Mason who represents GovGuam in the consent decree case that the GovGuam position is that Guam EPA will treat all applicants equally." Mr. Cruz also responds to Ms. Torres, stating "I realize your dilemma with your duties. Equally important and recent direction from the Board is that the technical team for Guatali prioritize the review of GRRP's permit application. Thus, I do not understand how one priority trumps the other." (See Attachments 1 and 2) Ms. Torres subsequently resigned as GEPA's Solid Waste Program Manager.

There are numerous communications reflecting the same confusion and concerns. One example is contained in an email written on April 1, 2009 from the Administrator to Deputy Attorney General Patrick Mason saying "We are in a dilemma" After elaborating on several specific problems she states: "I am bringing this to your attention for I see no solution to getting both permits moving immediately and expeditiously. It is not fair that my employees are pulling hairs with the balancing act of their work time. Although both cases are to be treated separate, the employees are not separate to do the work. Talk to your AAGs and decide which is more important right now for us to work on. I feel that the board don't believe they are part of the consent decree issue. They think that is with the court." (See Attachment 3) A few days later, on April 7, 2009, Assistant Attorney General Tom Keeler provided a memo, characterized as "informational only", advising the Administrator that "GEPA is *required* to allocate its staff and resources such that the Layon project is prioritized." (See Attachment 4)

Tension between the Administrator and the Board

The tension that led to the threat to terminate the Administrator's job apparently had its origins in the difficulties mentioned above which were precipitated by the Legislature's passage of PL 29-116 to spot zone the Guatali location for a landfill. This, coupled with the Board's pressure on the Agency staff to meet the demands of the group advancing a landfill application for the

Guatali location, created an understandable perception among Guam EPA staff of intense political pressure to act on the permit application for the Guatali site. The concern about political pressure is articulated in an email from Assistant Attorney General Phil Isaac stating: “In my view no court in the U.S. would allow a legislature what this one attempted to do, dictate what an earlier legislature meant 12 years ago. That’s utter nonsense.In the meantime I expect everyone at Guam EPA to stick to his/her moral compass regardless of political pressure.”(See attachment 5)

It is also clear that the tension between the Administrator and the Board predated the above comment. On November 14, 2008, Assistant Attorney General John Weisenberger, acting as Hearing Officer for the Board in the matter of the GRRP application, admonished counsel for GRRP for his and Mr. Guirguis engaging the Board in “lengthy discussions” about the recusal of the Administrator in the absence of both the hearing officer and counsel for the Administrator. In a lengthy admonition on the matter, he told Arthur Clark, Counsel for GRRP, that “I consider your behavior contempt of this hearing process”. (See attachment 6)

The tension escalated in late January 2009 when the Board first adopted a motion to instruct the Administrator to sign a conditional permit, but in a series of emails discussing a draft of the motion, Board Members expressed concern that the Administrator would not sign it. (See attachment 7) In late February the Board formally adopted the motion and on March 3, 2009 the Administrator gave notice through counsel of intent to appeal the Board’s decision to the Superior Court of Guam. (See attachment 8)

The Administrator subsequently recused herself on her own volition and there ensued more debate about who would be appointed to replace her as the Authorizing Official for the GRRP permit applications. The Chairman of the Board wanted to name Liz Cruz in this capacity. In an email dated March 9, 2009 to John Weisenberger and two Board Members, the Chairman stated “I just talked to the Gov. and he is to send Liz Cruz to us on Wed. 1:00PM at the Chinese Chamber of Commerce for the GRRP matter! And I also mentioned to him that Lorilee is taking the GEPA Board of Directors to the Court!” (See attachment 9)

On March 10, 2009, in an email from Hearing Officer John Weisenberger, the Board was informed that the Administrator “has delegated her authority to an engineer on her staff, Mr. Ivan Quinata for the purposes of the GRRP permit application.” The Chairman responds to this email later the same day with an email stating “I have talked to the Gov. and Shannon at Legal that we would like to keep Liz Cruz instead! Doesn’t Ivan have a conflict of interest?? They are to convince Lorilee to appoint Liz instead!” (See attachment 10) The Administrator responds almost immediately with an email to the Board stating “the decision with Ivan Stands.” (See attachment 11) It was after this that the threat to terminate the Administrator was apparently made.

There was also tension within the Board on all of these matters. There are many emails demonstrating that the Board was divided on many of these issues. Attachments 12 through 16 are illustrative.

Budgetary Problems at Guam EPA

Guam EPA's Administrator has indicated that the Agency is not properly funded by the Government of Guam. There is much to suggest that she is correct in this concern. This has resulted in the Administrator expressing concerns directly to the Court on several occasions. To better understand these concerns, the Court, in its Order of July 15, 2009, directed Guam EPA "to file a request detailing its budgetary need for additional funds in order to work on specific Consent Decree Projects. Said request shall be filed by 12:00 noon, July 29, 2009".

The report filed with the Court, outlines a situation that is no doubt exacerbated by the tensions outlined above. The Administrator outlines almost \$600,000 in financial needs resulting from the Agency's work on Consent Decree related issues. While the Administrator's frustration is understandable, the appropriate way to address this matter is through a funding request to the Governor and Legislature of Guam. The Receiver should only pay directly for any extraordinary expense that Guam EPA experiences as a result of its regulatory activities in connection with the Consent Decree, and then only to the same extent that other parties seeking such permits are expected to pay such expenses. The only exception should be in the case of a clear problem that will otherwise jeopardize the Court approved schedule for the Consent Decree projects.

Conclusions and Recommendations

The documents provided pursuant to the Court's Order of June 5, 2009 substantiate the information provided to us that the staff was under serious pressure to give equal or greater priority to other applications, thereby discouraging the Agency's staff from continuing to follow the Court's Orders that require that the Agency to give priority to the application for the Layon Landfill in the use of its staff and other resources. The information also supports the concern expressed to the Receiver that tension between the Administrator and the Board gave rise to a threat to terminate the employment of the Administrator of the Agency.

To the credit of the Administrator, Lorilee Crisostomo, and staff of the Agency, they did not succumb to this pressure but instead stayed focused on their responsibilities under the Consent Decree and the subsequent Court Orders and have thus far kept the permitting process on track to a successful conclusion in accordance with the Court approved schedule. Given that there are now only 693 days of air space available at the Ordot Dump, maintaining the schedule approved by the Court is critically important to the people of Guam.

While it is also clear that the Agency is not adequately funded, this circumstance does not appear to be an appropriate issue for the Receiver or the Court to address except to the extent that it interferes with the expeditious implementation of the Consent Decree as ordered by the Court.

Based on this information, the Receiver recommends the following:

1. The Court should continue to monitor closely the progress of the permitting process for the Consent Decree projects;

2. The Administrator, staff and members of the Guam EPA Board of Directors should be ordered to report to the Court immediately any effort by anyone to interfere with the work necessary to complete the permitting of the Consent Decree projects in accordance with the Court's Orders;
3. All parties subject to the Court's Orders in this matter, specifically including the members of the Board of Directors of the Guam Environmental Protection Agency, should be reminded of their obligations under both the Consent Decree and the Orders of the Court and of the sanctions available to the Court to enforce its Orders in this matter; and
4. The Receiver should be authorized to pay any reasonable expense incurred by Guam EPA in the permitting process from the Citibank Trustee Account, if the Receiver, with the concurrence of the United States Environmental Protection Agency, determines that a failure to make such a payment would likely cause Guam EPA to be unable to complete the permitting process in a timely manner.

We thank the Court for its consideration of this Report.

Benny Cruz

From: Phil Isaac [pisaac@guamattorneygeneral.com]
Sent: Friday, January 30, 2009 6:17 PM
To: Barbara Torres; Benny Cruz
Cc: Patrick Mason
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

Barbara,

I understand from Pat Mason who represents GovGuam in the consent decree case that the GovGuam position is that Guam EPA will treat all applicants equally.

Phil

From: Barbara Torres [mailto:Barbara.Torres@guamepa.net]
Sent: Fri 1/30/2009 5:00 PM
To: Benny Cruz; Phil Isaac
Subject: FW: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version

Hi all,

As noted below, my direction from this forward on will be the Consent Decree. Therefore, I will be putting most of my time in the review, processing, and coordination of the SWM Permit application for Layon. I have scheduled meetings and deadlines to meet.

Barbara

Sincerely,

Barbara F. Torres
Solid Waste Program Manager
Guam Environmental Protection Agency
Post Office Box 22439
Barrigada, Guam 96921
Phone: 1-671-475-1651/8/9
Fax: 1-671-477-9402
Email: Barbara.Torres@guamepa.net

CONFIDENTIALITY NOTICE: *This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.*

From: Conchita S.N. Taitano

Sent: Thursday, January 29, 2009 11:46 PM
To: Barbara Torres
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

Barbara,

I am having difficulty understanding your last question below.

First of all, the line of authority is the Board directs the Administrator and the Administrator directs staff. The Administrator is aware of this priority since she is named in the Order and is required to attend the Court Hearings. Secondly, status of the Consent Decree is not a kept secret and is long running topic in our Board Meetings.

Therefore, your *direction* (as well as the Agency's) has always been that the Consent Decree is the priority the day Guam EPA became signatories to the document in 2004. As a former Consent Decree project manager, you know this fact.

The *additional support* has always been provided by USEPA (i.e. CH2MHill). Although the RFP/SOW could have provided *additional support* since the last fiscal year - we are somewhat on track for this fiscal year. Crispin and I have been assigned to be the focal point for this project - again, *additional support* is being provided. Finally, *additional support* is being negotiated with CNMI DEQ to assist in developing the permit.

*Conchita San Nicolas Taitano, MSEM
 Air and Land Programs Administrator
 Guam Environmental Protection Agency
 Post Office Box 22439
 Barrigada, Guam 96921
 Telephone: 1.671.475.1658/9
 Facsimile: 1.671.477.9402*

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

From: Barbara Torres
Sent: Thu 1/29/2009 4:17 PM
To: Conchita S.N. Taitano
Cc: 'Tom Keeler'; Lorilee Crisostomo
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version

Conchita,

As for the Schedule, should "everyone" include the Guam EPA Board or not? Or how do we or do we advise the Guam EPA Board of this Order?

Barbara

From: Conchita S.N. Taitano
Sent: Thursday, January 29, 2009 2:31 PM
To: Barbara Torres; 'Tom Keeler'
Cc: Lorilee Crisostomo; Crispin Bensan
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

My comments are demarcated in red.

Sincerely,
 Conchita San Nicolas Taitano, MSEM
 Air and Land Programs Division Administrator
 Guam Environmental Protection Agency
 Post Office Box 22439
 Barrigada, Guam 96921
 Phone: 1.671.475.1658/9
 Fax: 1.671.477.9402
 Email: Conchita.Taitano@guamepa.net

<p>CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.</p>

From: Barbara Torres
Sent: Thursday, January 29, 2009 1:23 PM
To: Conchita S.N. Taitano; 'Tom Keeler'
Cc: Lorilee Crisostomo; Crispin Bensan
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

All,

First of all, as noted in my comments to my propose changes to Conchita's draft, USEPA has added some of those concerns in. However, I do have some additional comments to the draft that John McCarroll provided.

Schedule:

I really don't have any issues with the dates. However, because of two landfill permits being a "priority", one by the Courts and the other by the GEPA Board, I will need directions or additional support. But again, I also speak for other GEPA staff whose review time in these documents are also dealing with what "priority" comes first. Guam EPA has a Court Order which should be clear to everyone.

Item #6:

Especially with budget constraints, some portions of Item #6 may not be a major concern with the following proposals:

- Administrative support from our Agency can be utilized to help prepare, organize, and document the public hearing. We just need to make sure we have available open purchase orders for the copying and printing of these documents, and recording and writing up the minutes of the meeting. It will be nice to temporarily ask for Tina's assistance in this matter since she has assisted me on this before with the Ordot Dump permit and has been a

great help. The only obstacle is the man hours available to also deal with the GEPA Boards Order to prioritize the other landfill permit activities. You are describing administrative activities that could be performed if adequate notice is given to our Administrative Services Division. Tina may not be available.

- As for preparing any responsiveness summaries, I do recommend that we still coordinate with USEPA, AGs office, and GBB to finalize and summarize response to comments, especially if it deals with technical, financial, and legal issues. But again, there still may be limitations by any or all of the support needed because experience in landfill permitting and requirements are rare. This coordination will lead the expeditious issuance of the final permit. I think this is an opportunity to ask the Receiver to provide a court reporter to transcribe all comments received. Your responsibility will be to respond to the comments.

Item #5:

My major concern is item #5, although our regulations provides that financial assurance is not required by Government of Guam, there is the potential that should the Government of Guam outsource or privatize the construction, operation, closure, post-closure, and corrective action activities, then we need assistance to address these issues. I have spoken to Karen Ueno, she did mention that they have a person who provides support to Reigon IX on financial assurance but will be leaving soon. I also have been working with Tom Keeler to understand the issue as well. If we can address these issues before she leaves it will be greatly appreciated. Guam's law provides for the need for financial assurance, in addition to what is required by RCRA D, for design, construction, operation, and 3rd-party liability for personal injury and property damage. I am not sure if there is anyone else on island that may assist us on this. Or if we go for Contract support, if there will be anyone who will provide such expertise. If the law states that financial assurance is not required for GovGuam owned landfill facilities, then what is our legal authority to require it?

With regards to financial assurance, if the two landfills are depending and competing for revenue bonds, tipping fees, and GEDCA support, where and when do we say if the financial assurance is acceptable. This document is only about the Layon facility. If the law exempts GovGuam from securing financial assurance, then how is question applicable?

EPA and Guam EPA Bi-weekly conference calls:

I also recommend that in addition to bi-weekly conference calls, we continue conducting on-going technical meetings on the portions of the application document (line items 18 -26 of the schedule of USEPA's draft). This is something that we are proposing to do with TG, I think we shall also have the same type of meetings with USEPA so that we get an understanding of issues and concerns and updates. CH2M Hill has been the reviewer of these documents since the 2006 applications. Most of Guam EPA's review team of the 2006 applications no longer work with the Agency, so those currently task to assist in the technical review of these documents can catch up and understand the concerns along the way. I believe that this something Guam EPA can arrange without having it specified as a Court Ordered requirement.

Again, this is just my opinion and ideas in addressing the Court's Order with the limited resources we currently are dealing with.

Sincerely,

Barbara F. Torres
Solid Waste Program Manager
Guam Environmental Protection Agency
Post Office Box 22439
Barrigada, Guam 96921
Phone: 1-671-475-1651/8/9
Fax: 1-671-477-9402
Email: Barbara.Torres@guamepa.net

CONFIDENTIALITY NOTICE: *This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.*

From: Conchita S.N. Taitano
Sent: Thursday, January 29, 2009 12:11 PM
To: Tom Keeler
Cc: Lorilee Crisostomo; Barbara Torres; Crispin Bensan
Subject: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

All,

I just finished speaking to John McCarroll on the joint permit. Bob Mulaney prepared the attached document, taking into consideration the last draft I submitted.

Unless Barbara has an issue on the dates, the schedule should be acceptable. USEPA/DOJ had very little changes to the schedule we sent.

However, there are some commitments, which I have highlighted at the end that need our attention. For example, #6 may be deleted or changed to a later date. The purpose of #6 is to potentially allow Guam EPA the opportunity to ask for assistance in conducting our public hearing (i.e. court reporter, etc.). Let me know.

On a separate note, Lorilee & I are expected to leave this Saturday and will be gone all next week. Therefore, if you have any questions, please let us know asap.

Thank you.

Lorilee Crisostomo

From: Benny Cruz
Sent: Friday, January 30, 2009 6:53 PM
To: Barbara Torres; 'Phil Isaac'
Cc: Conchita S.N. Taitano; Lorilee Crisostomo
Subject: RE: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version

Sensitivity: Confidential

Barbara,

I realize your dilemma with your duties. Equally important and recent direction from the Board is that the technical team for Guatali prioritize the review of GRRP's permit application. Thus, I do not understand how one priority trumps the other. Ultimately, we have no excuse if either project falls behind.

The Guatali core group consists of you, Mike, Vic and me. On the other hand, the Layon core group consists of the same four from Guatali with the addition of Cris and Conchita. The Layon landfill is well ahead of the Guatali Landfill in respect to the design and construction phases of the project, yet it has a bigger staffing.

The bottom line is that your involvement with Guatali is indispensable and I can not afford to lose you.

Benny C. Cruz
Water Resources Management Program
Guam Environmental Protection Agency
Tel: 1 (671) 475-1641 **Fax:** 1 (671) 475-8006
E-mail: Benny.Cruz@guamepa.net
Guam EPA Website: <http://www.guamepa.govguam.net>

CONFIDENTIALITY NOTICE: THIS MESSAGE, INCLUDING ANY ATTACHMENTS, IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER BY REPLY E-MAIL AND DELETE THE MESSAGE AND ANY ATTACHMENTS. THANK YOU.

From: Barbara Torres
Sent: Friday, January 30, 2009 5:01 PM
To: Benny Cruz; Phil Isaac
Subject: FW: CONSENT DECREE - Permit Schedule - USEPA-DOJ's Version
Sensitivity: Confidential

Hi all,

As noted below, my direction from this forward on will be the Consent Decree. Therefore, I will be putting most of my time in the review, processing, and coordination of the SWM Permit application for Layon. I have scheduled meetings and deadlines to meet.

Barbara

Sincerely,

Barbara F. Torres
Solid Waste Program Manager
Guam Environmental Protection Agency

Lorilee Crisostomo

From: Lorilee Crisostomo
Sent: Wednesday, April 01, 2009 10:26 AM
To: 'shannon taitano lujan'
Cc: 'J. George Bamba'
Subject: RE: Filings of 03/27/09

Shannon,

Note that the Governor told me awhile back to listen to my legal counsel and follow advise. Well, we filed 2 weeks ago, the intention to appeal the board's decision to the superior court due to my technical staff and our regulations saying that a conditional permit cannot be issued for new landfill but for only existing ones. That was advice by my legal counsel to do this.

When I talked to the Governor 2 weeks ago, he said for you to meet with Pat Mason to discuss further. He didn't want to see Guam EPA and the board in court, such internal issue would be plastered in the court and media. I did express to the Governor that I didn't feel that the board was being advice properly by their counsel for that counsel focused more on being a hearing officer. I'm not a lawyer, but that is my opinion of the board not getting fully represented and advice. For example, during the past special board hearings, I was able to lean over to my legal counsel and discuss some issues quietly. However, the board never had that opportunity to do so during all the times I was present at the hearings.

Please contact Pat Mason and discuss what recourse Guam EPA along with the board should take. The Governor wants me to meet with him again on the status.

Note that the public comment/Meetings would provide all documents and comments open to the general public. My staff needs to prepare. Governor's office needs to prepare. The general public will be asking all sort of questions. That is happening real soon for the guatali and soon then, Dandad.

Lorilee

From: Lorilee Crisostomo
Sent: Wednesday, April 01, 2009 10:08 AM
To: 'pmason@guamattorneygeneral.com'
Cc: 'shannon taitano lujan'
Subject: FW: Filings of 03/27/09

Hi Pat,

We are in a dilemma. We are overly stretched to be doing to permit applications (for the first time, unfamiliar territory) at the same time with the same employees working on them. The court order says expedite the process for Dandan while the board orders a conditional permit "immediately" for the other. The solid waste program is losing the manager to the Airforce by this Friday. An Environmental Health Specialist (EHS) I resigned last week, EHS II is on military leave for 2 more weeks, and EHS III is on medical leave for about a year. Although I am pursuing to fill the vacancies, this program is barely surviving right now. We still don't have the money from Region 9 to pursue our outsourcing plans. Although we are being assisted by CNMI's solid waste manager and assistance from Region 9, that assistance is only for the consent decree and not for the other. The solid waste program is responsible for issuing both permits with the technical support also from in-house programs as the activities relates to those programs.

Conchita Taitano, the air & land division administrator, in addition to her primary role to manage 5 programs (pesticides, brownsfield/military cleanups, air pollution, haz waste, and solid waste) is the consent decree project manager in order to expedite the process. I have assigned her an engineer (detailed from the safe drinking water program) to help coordinate/review the technical portion of the all permits applicable to Dandan.

Benny Cruz, the water resources engineer supervisor, is assigned to be the point of contact/project manager for the Guatali permit application. In addition to his role of his program assignments, he has been working with all the other programs to ensure coordination and information are provided to this applicant as well as numerous meetings and special board meetings he must prepare for and be in attendance.

Please understand that all my employees are paid 100% federal dollars to ensure that the programs assigned to them and funding their positions to do those programs. That is the priority, first, and any deviation to the extreme can cause the agency to lose certain funds due to noncompliance of those programs.

We do not get any funds specifically to carry out the solid waste program. However, due to receiving all the federal dollars from USDOE, we have requested that all be combined into a consolidated grant budget giving management the flexibility to fund other positions temporarily. The solid waste program has been funded for many years now and wouldn't be considered temporarily in the near future. We were given primacy to do this program as a result of a local law that was supposed to fund minimum 7 FTEs. Well, that never took place in regards to funding. My recourse of having other employees detailed to this program is only a band aid solution. It is also very risky since certain programs not meeting the numbers of inspections, enforcements, etc. as budgeted in the grant can be in trouble due to priority shifted to the consent decree and the guatali permits.

I am bringing this to your attention for I see no solution to getting both permits moving immediately and expeditiously. It is not fair that my employees are pulling hairs with the balancing act of their work time. Although both cases are to be treated separate, the employees are not separate to do the work.

Talk to your AAGs and decide which is more important right now for us to work on. I feel that the board don't believe they are part of the consent decree issue. They think that is with the court. Regardless if the board and Guam EPA is one, something has to be in writing from the AG for we are all in this together. Who has to process the permits, review the documents, inspect and monitor the activities as work is being done? And with what expense? So far, it is the federal grant dollars being used rather than used for the real purpose awarded.

Please advice on how we are to proceed. Note that we are putting this tug a war in our monthly report to the judge.

Thank you for your time and prompt attention.

Lorilee

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

Alicia G. Limtiaco
Attorney General



Alberto Tolentino
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

April 7, 2009

MEMORANDUM (Informational)

Ref: GEPA 08-0810

TO: Lorilee Crisostomo
Administrator
Guam Environmental Protection Agency

FROM: Assistant Attorney General

SUBJECT: Municipal Waste Management Facility at Layon, Guam

Ms. Crisostomo:

You recently inquired how your staff and resources are to be allocated in processing two (2) separate landfill applications. The answer is simple, straight forward and warrants little discussion. The Government of Guam, which includes the Guam Environmental Protection Agency ("GEPA") and its Board of Directors, has been ordered by the United States District Court of Guam in *United States of America vs. Government of Guam*, United States District Court Civil Case No. 02-00022, to expeditiously process a RCRA Subtitle D permit for a Municipal Solid Waste Management Facility at Layon, Guam. GEPA's Court imposed deadline for issuing a permit for Layon is August 27, 2009. Accordingly, GEPA is **required** to allocate its staff and resources such that the Layon project is prioritized.

Any directive or request to prioritize any other matter, including the second landfill application, has to be read in light of the District Court's standing Orders.

This memorandum is informational only and is not issued as an opinion of the Attorney General.

Please contact me if you have any questions regarding this matter.

THOMAS P. KEELER
Assistant Attorney General

ATTACHMENT 4

Benny Cruz

From: Phil Isaac [pisaac@guamattorneygeneral.com]
Sent: Thursday, January 29, 2009 7:44 PM
To: Barbara Torres
Cc: Lorilee Crisostomo; Barbara F. Torres; Benny Cruz
Subject: RE: Re GRRP Appeal; Motion Duly Passed and Order

Barbara,

Thanks. We're on the same wavelength. We'll try to sort this out Friday. My immediate concern is what the Hearing Officer issues Friday re the underlying issue of the validity of PI 29-116, Section 5. That's the acid test of a number of things, including his character. In my view no court in the U.S. would allow a legislature what this one attempted to do, dictate what an earlier legislature meant 12 years ago. That's utter nonsense. But I can't predict the outcome. Let's discuss Friday. In the meantime I expect everyone at Guam EPA to stick to his/her moral compass regardless of political pressure. Keep the faith and support the troops. While we may appeal whatever, we follow lawful orders or resign. An interesting read is one entitled "Dereliction of Duty" by H.R. McMaster concerning Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the lies that led to Vietnam. As a former Cold War Warrior I'm disgusted by the cowardly politics here, but try as best I can. .

Phil

From: Barbara Torres [mailto:Barbara.Torres@guamepa.net]
Sent: Thu 1/29/2009 5:06 PM
To: Phil Isaac
Cc: Lorilee Crisostomo; Barbara F. Torres; Benny Cruz
Subject: RE: Re GRRP Appeal; Motion Duly Passed and Order

Phil,

Benny and I have discuss the propose Motion,

The conditions stated in the "***Motion of the Board of Director's, Duly Passed, and Order***" is taken out of the January 28, 2009 letter from Guam EPA **RE: Solid Waste Management Facility Permit Application for Guatali Municipal Solid Waste Landfill, Lot No. 439-R1, Parcel B, Santa Rita**. Said conditions was based on Guam EPAs acceptance of the minutes for the November 25, 2008 teleconference and was never intended to be the "conditions" of any conditional permit. Again, this letter is not responding to GRRP's January 8, 2009 **RE: Request for Conditional Permit for the Guatali Municipal Solid Waste Landfill, Lot No. 439-R1, Parcel B, Santa Rita**. The Conditional Permit request was responded to by the Guam EPA's other January 28, 2009 letter **RE: Request for Conditional Permit for the Guatali Municipal Solid Waste Landfill, Lot No. 439-R1, Parcel B, Santa Rita**. Guam EPA's letter emphasized that the conditions established in GRRP's January 8, 2009 was inadequate and premature....to issue the Conditional permit. In our January 27, 2009 meeting with GRRP, the conditions listed in their January 8, 2009 letter was discussed and that there was an agreement that as it was written in the January 8, 2009, the conditions were not adequate.

Our understanding of yesterday's Board Hearing and Motion was that Guam EPA and GRRP was to work together to establish conditions for the conditional approval permit. In addition, the Board motion (or just discussion?) was to include conditions on the Financial Assurance (establishing contacts from each party to address the issues or non issues, and get a final understanding), and Zoning Certification.

Ms. Ramona Wilson was under the same understanding because she wanted to set up a meeting with Guam EPA to discuss the "contents of the technical conditions" and Benny advised her to wait until we receive a final copy of the formal motion of the Board.

In addition, we feel that Item No. 5 is unnecessary because we have always been and are continuing review of

documents submitted.

Other comments include:

Page 2 - Line item 20 -21 "for the further design and construction" , what does this mean?

Page 2 - Line item 24 to Page 3 line 1 – Is it 51103 or 51103(a)(11) specifically on financial assurance? Is it just 51104? Is it just Section 23104? Can it be general to say 10 GCA Chapter 51, Article 1 and the 22 GAR, Division 4? There are other sections of 10GCA Chapter 51 that may be applicable but already address such as 51105, Permit Fees. The same goes for 22 GAR, Division 4, Section 23104 general discusses the permitting process, but Articles 1 – 7 have regulations and standards regarding MSW Landfills.

So far this is what we have. If there are anymore we will provide them to you.

Sincerely,

Barbara F. Torres
Solid Waste Program Manager
Guam Enviromental Protection Agency
Post Office Box 22439
Barrigada, Guam 96921
Phone: 1-671-475-1651/8/9
Fax: 1-671-477-9402
Email: Barbara.Torres@guamepa.net

CONFIDENTIALITY NOTICE: *This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly PROHIBITED. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.*

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Thursday, January 29, 2009 1:53 PM
To: Lorilee Crisostomo; Barbara Torres; Barbara F. Torres; Benny Cruz
Subject: FW: Re GRRP Appeal; Motion Duly Passed and Order

See attached from Hearing Officer for your review and earliest comment. Also see attached draft Joint Report re Layon, particularly noting on page 4, paras. 1 and 2, the "highest work priority" language. Query, to what extent will that "highest work priority" language impact work on the GRRP application?

Phil

From: John Weisenberger
Sent: Thursday, January 29, 2009 1:13 PM
To: Arthur Clark; Janalynn Damian (jdamian@calvoclarck.com); Phil Isaac
Cc: Sabrina Cruz-Sablan (Sabrina.CruzSablan@guamepa.net); Alfred Lam (alfredlam@ambyth.guam.net); Andrew C. Park (parkandrewc@hotmail.com); Dr. Thomas N. Poole; Florida M. Sanchez (fms_sanchez@yahoo.com); Georgelai@aol.com; Loidaliclic@aol.com; Robert A. Perron (rperron@ite.net); Ronald M. Young (ron@securitytitle.net)
Subject: Re GRRP Appeal; Motion Duly Passed and Order

Good Afternoon Phil, Arthur and Janalynn,

Attached, please find a draft copy of the Motion of the Board of Directors, Duly Passed and Order. The substantive portion of this motion, that is, the conditions, has been taken from the January 28, 2009 letter from the Administrator of GEPA to the President of GRRP wherein she set out those matters to be accomplished by GRRP. The statement of conditions in the letter mirrored the discussion and presentation last evening.

I have previously sent this material to the Board Members for their review and comment.

Board Members - The attached document is only slightly changed from that which I sent you this morning.

John.

John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext) ____
Fax: 671-472-2493
Email: jweisenberger@guamattorneygeneral.com
URL: www.guamattorneygeneral.com

<p>CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.</p>

Lorilee Crisostomo

From: Barbara Torres
Sent: Friday, November 14, 2008 4:50 PM
To: Phil Isaac
Cc: Benny Cruz; Mike Gawel; H. Victor Wuerch; Lorilee Crisostomo
Subject: RE: GRRP Appeal; Board of Directors Meeting of November 12, 2008
Attachments: Guam EPA's reply to August 1, 2008 supplemental and June 2008 application (11.14.08).doc; D2 EPR Nov 12 comments on June 08 Application.doc

Hi Phil,

Lorilee is out today, but I was just informed that Trini Borja will sign.

By the way, Benny is currently reviewing Mike's attached comments before enclosing it to the cover letter. Attached is the draft cover letter. Also attached is Victor's comments

Barbara

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Friday, November 14, 2008 2:58 PM
To: Barbara Torres
Cc: Benny Cruz; Mike Gawel; H. Victor Wuerch; Lorilee Crisostomo
Subject: RE: GRRP Appeal; Board of Directors Meeting of November 12, 2008

Given Benny is the designated point person, but Lorilee is Administrator, I suggest Lorilee review and if she approves, have Benny sign "By direction". That should satisfy all concerned. I can review and comment if you wish with my comments or suggestions limited to spotting minefields since you folks are the experts. Where are the attachments?

Phil

From: Barbara Torres [mailto:Barbara.Torres@guamepa.net]
Sent: Friday, November 14, 2008 2:23 PM
To: Phil Isaac
Cc: Benny Cruz; Mike Gawel; H. Victor Wuerch; Lorilee Crisostomo
Subject: FW: GRRP Appeal; Board of Directors Meeting of November 12, 2008

Hi Phil,

Yes, but Benny and I walked in later when GRRP was almost done with their presentation to the Board.

In light of the email below, and pending issuance of Guam EPA's response on the additional environmental information and comments to GRRP's Hydrogeologic Work Plan, please advise Guam EPA as to who will be responsible to sign the letter for Guam EPA, the Administrator or the GEPA Board Chairman? Attached are Mike Gawel's comments on the environmental impact and my initial draft of a cover letter to GRRP on Guam EPA's application review.

As we continue to prepare and respond to the application can we still forward any concerns or comments to you for advice?

Thanks,

Barbara

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Friday, November 14, 2008 2:07 PM

To: Lorilee Crisostomo; Barbara Torres; Barbara F. Torres
Subject: FW: GRRP Appeal; Board of Directors Meeting of November 12, 2008

Were you present at this meeting?

Phil

From: John Weisenberger
Sent: Friday, November 14, 2008 11:24 AM
To: Arthur Clark; Janalynn Damian (jdamian@calvoclarck.com); Phil Isaac
Cc: Sabrina Cruz-Sablan (Sabrina.CruzSablan@guamepa.net); Alfred Lam (alfredlam@ambyth.guam.net); Andrew C. Park (parkandrewc@hotmail.com); Dr. Thomas N. Poole; Florida M. Sanchez (fms_sanchez@yahoo.com); Georgelai@aol.com; Loidaliclic@aol.com; Robert A. Perron (rperron@ite.net); Ronald M. Young (ron@securitytitle.net)
Subject: GRRP Appeal; Board of Directors Meeting of November 12, 2008

Dear Arthur,

It has come to my attention that you and Mr. Guirguis appeared at the Board of Directors' Meeting on November 12, 2008. At this meeting you engaged in lengthy discussions with the Board about the recusal of Lorilee Crisostomo from considering the GRRP application. It is my understanding that you urged the Board to act on the question of her recusal at that meeting.

Further, I understand that Phil Isaac was not even present at this meeting when you engaged the Board in a matter affecting his client's legal interests.

Please be advised that I had given leave to you and Mr. Isaac to appear before the Board to discuss a single matter, that being to report to the Board about discussions that were to be held on Wednesday morning between you and Phil Isaac on the matter of hiring a consulting engineer to assist GEPA in the technical aspects of the subject application. I had not given leave to you or Phil Isaac to discuss any other matter, and especially not a matter that is so clearly before the Board on this case that I am handling as Hearing Officer.

I consider your behavior a contempt of this hearing process. I will consider the options that the Board may have concerning this contempt.

Let me make myself clear on this. There will be no more appearances of yourself, your partners or your associates before any meeting of the Board of Directors of the Guam Environmental Protection Agency on any matter concerning GRRP's application for a permit to operate a Municipal Solid Waste Management Facility at Guatali, Guam unless I am present at that meeting. If I am not present at such a meeting for any reason whatsoever, you and your associates may not speak or be recognized concerning this matter. Period. And, if Phil Isaac is not properly notified of your intention to appear and address the Board on the matter of GRRP's application for a permit to operate a Municipal Solid Waste Management Facility at Guatali, Guam, the matter will not be considered even if I am present. Period.

This in no way addresses obligations that you have under Rules of Professional Responsibility concerning contact by you or associates with Ms. Crisostomo or her employees.

If I have in any way misunderstood what occurred on November 12 please advise me of my misunderstanding. Thank you. John.

John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext)___

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

rperron

From: "Georgelai" <georgelai@aol.com>
To: "Robert Perron" <rperron@ite.net>; "John Weisenberger" <jweisenberger@guamattorneygeneral.com>; <alfredlam@ambyth.guam.net>; <parkandrewc@hotmail.com>; "Dr. Thomas N. Poole" <guamvet@gmail.com>; <fms_sanchez@yahoo.com>; "Loidaliclic" <Loidaliclic@aol.com>; <ron@securitytitle.net>
Cc: <Sabrina.CruzSablan@guamepa.net>
Sent: Thursday, February 05, 2009 2:52 PM
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

THE BOARD VOTED ON GRANTING THEM THE CONDITIONAL PERMIT TO BEGIN THE WORK, IT' S OUR INTENTION TO ALLOW THEM TO BEGIN THE CONSTRUCTION, WHILE MEETING THE CONDITIONS THAT WE SET, THEN AFTER MEETING THOSE CONDITIONS, THEN A FINAL PERMIT CAN BE ISSUED....BASICALLY THE BOARD DECIDED TO ALLOW THEM SIMULTANEOUSLY TO BEGIN TO WORK AND MEETING THE CONDITIONS WITHOUT WASTING ANYMORE TIME, OR ELSE, IT WILL TAKE MONTHS BEFORE THE CONDITION PERMIT IS GRANTED??? WHAT' S THE REASONING HERE??? IF ALL THOSE PRE-CONDITIONS CAN BE MET?? THEN WHY DON' T WE JUST ISSUE THE FINAL PERMIT THEN?? WHY ASK FOR "CONDITIONAL PERMIT"???? HOPE TO SEE YOU ALL ON WEDNESDAY!!! LET' S BE "FAIR", AND DO WHAT' S RIGHT FOR THE PEOPLE OF GUAM!
 REGARDS,
 GL

In a message dated 02/05/09 14:32:18 West Pacific Standard Time, rperron@ite.net writes:

A conditional permit does not allow them to construct anything (nor is it intended to). The only reason they wanted the conditional permit was for financing purposes. Construction can only begin when all of the environmental work has been performed and signed off by EPA. They must build their road (which they are already permitted for) which is not being held up by the issuance of the conditional permit, then they must do their hydrogeologic study along with all of the rest of the environmental studies and reports (they don't need the conditional permit for this either). Once these things have done, then they can apply for their final permit and begin actual construction of the landfill. Don't believe everything that you read in the newspaper. From my reading of it, very little of it is true. John, please let me know if my assessment is correct.

Regards,

Bob Perron

----- Original Message -----

From: Georgelai

To: John Weisenberger ; Robert Perron ; alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Loidaliclic ; ron@securitytitle.net

Cc: Sabrina.CruzSablan@guamepa.net

Sent: Thursday, February 05, 2009 2:14 PM
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

HABA ADAI JOHN AND THE BOARD:

I DISAGREE WITH YOU BY TAKING OUT THE WORD "CONSTRUCTION", ONLY ALLOW THE DESIGN??? JUST TO BE FAIR, WHEN GRPP ASKED FOR THE CONDITIONAL PERMIT IS TO ALLOW THEM TO BEGIN THE WORK! ALL THESE BACK AND FORTH OF THE LANGUAGE IS GETTING ME CONFUSED??? MAY BE IT' S BEST THAT WE LAY OUT ALL THOSE CONDITIONS DURING NEXT WEEK' S MEETING, WHEN BOTH SIDES ARE THERE, GO LINE BY LINE, AND HOPEFULLY BOTH PARTIES CAN COME UP WITH AN AGREEMENT TO MOVE FORWARD! I DO NOT WISH TO SIGN OFF THIS ORDER AS RIGHT NOW! SEE YOU ALL ON WEDNESDAY!
REGARDS,
GEORGE LAI
GEPA CHAIRMAN.....

In a message dated 02/05/09 13:56:37 West Pacific Standard Time, jweisenberger@guamattorneygeneral.com writes:

Thank you Bob. I can add the term '...and Approval...' to V. It would then read:

Guam Resource Recovery Partners completing a Continuing Review and Approval by Guam Environmental Protection Agency of the exhibits to the application and design review of the application as prompted by receipt from Guam Resource Recovery Partners of updated documents, responses to comments, and finalization of the Hydrogeological Study as per II and III, above.

Comments from others (and the peanut gallery)? John.



John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext) ____
Fax: 671-472-2493
Email: jweisenberger@guamattorneygeneral.com
URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.& lt; o:p>

rperron

From: "Georgelai" <georgelai@aol.com>
To: "Robert Perron" <rperron@ite.net>; "Territorial Veterinarian" <guamvet@gmail.com>; "John Weisenberger" <jweisenberger@guamattorneygeneral.com>; <ron@securitytitle.net>; "parkandrew" <parkandrewc@hotmail.com>
Cc: "Alfred Lam" <alfredlam@ambyth.guam.net>
Sent: Friday, January 30, 2009 9:37 AM
Subject: Re: GRRP Appeal; Motion Duly Passed and Order

HAFA ADAI BOB:

THANKS FOR THE COMMENT, JOHN, IF NEEDED, I WOULD NOT MIND TO HOST A MEETING NEXT WEEK TO HELP RESOLVE THIS CONCERN, I GUESS WE ALL GOING TO GO TO WORK AGAIN!!
 REGARDS,
 GL

In a message dated 01/30/09 09:33:29 West Pacific Standard Time, rperron@ite.net writes:

This conditional permit doesn't authorize GRRP to do anything that they couldn't already do. They can proceed with the studies, testing and road construction. The issuance of the conditional permit is not holding them up. We need to ensure that the motion is properly documented and is what was voted on. GRRP already disagrees with the motion as written and I believe that GEPA's attorney will also be coming in with his disagreement momentarily. We may need to serve notice, reconvene the Board, clearly restate the motion and vote on it. My motion, which I believe was added to by Ron Young in a new motion, was to basically take Lorilee out of the equation by 1) have GRRP and EPA tech staff come together and agree on the specific technical steps that need to be done along with milestones (not date specific as recommended by Benny Cruz). 2) Have the hearing the officer decide the zoning issue. 3) Have a rep from GRRP and GEPA get together and iron out the financial assurance. Once these things are accomplished to the satisfaction of the EPA staff involved (not the Administrator), it would be run through a quick legal review to protect all parties (especially the Board!), these items would be put in the form of a Conditional Permit that the Administrator is ordered by the Board to sign. From what I was hearing during the meeting, GRRP agrees with this approach as does EPA technical staff (Benny Cruz). The Administrator already says that she defers to technical staff on technical matters. As long as the hearing officer certifies the zoning and legal counsel signs off on the financial assurance, I think we're covered.

Bob Perron

----- Original Message -----

From: Georgelai
To: Territorial Veterinarian ; John Weisenberger ; ron@securitytitle.net ; BOB PERRON ; parkandrew
Cc: Alfred Lam
Sent: Friday, January 30, 2009 8:48 AM
Subject: Re: GRRP Appeal; Motion Duly Passed and Order

HAFA ADAI JOHN:

I CONCUR WITH DR. POOLE...CORRECT ME IF I AM WRONG??? THE BOARD HAS VOTED TO

INSTRUCT HER TO SIGN THE CONDITIONAL PERMIT TO ALLOW
GRRP TO START THE WORK
ON THE LAND FILL, WITH CONDITIONS THAT THEY WILL BE MET, TO
GET THE FINAL PERMIT
ON A LATER DAY!!

IF SHE CHOOSE NOT TO SIGN, CAN THE BOARD SIGNS BASED ON
THE MOTION THAT WAS PASSED
YESTERDAY!!

DR. POOLE, I STILL THINK WE NEED TO TABLE THE CONFLICT OF
INTEREST ON LORILEE, I JUST DON' T
UNDERSTAND HOW SHE CAN MAKE DECISION REGARDING THIS
MATTER??? SINCE HER FATHER OWNS
LAND IN THE AREA???

THE REST OF THE BOARD, PLS COMMENT???

REGARDS,
GEORGE LAI

PS: I DON' T HAVE FLORI E-MAIL ADDRESS, CAN SOMEONE ALSO
FORWARD TO HER AS WELL???

In a message dated 01/29/09 18:26:26 West Pacific Standard Time, guamvet@gmail.com
writes:

John, I am not sure how we get through this. I'm reasonably sure that Lorilee is
going to see plenty of "outs" to keep her from signing. As I read this, we are
directing her to sign once all of the pre-conditions are satisfied: "...and further
conditioned upon GRRP successfully meeting all of the requirements of Title 10
Guam Code Annotated, §§ 51103 and 51104, and Title 22 of the Guam
Administrative Rules and Regulations, Division 4, Section 23104, to include the
following specific conditions:" It seems that nothing has changed. We seem to be
directing her to sign as soon as the requirements are satisfied to...HER...standards?
The law as you read it already requires her to sign once the standards have been met,
but the devil is in defining standards met.

John, I think what I am saying is that perhaps a board representative is going to have
to determine that standards have been met to the degree sufficient to issue a
conditional permit, define the parameters of that permit, and then direct Lorilee to
sign it. Or perhaps I'm borrowing trouble. Thanks for listening, Tom Poole

On Thu, Jan 29, 2009 at 10:08 AM, John Weisenberger

<jweisenberger@guamattorneygeneral.com> wrote:

Good Morning Board Members,

Attached is a proposed Motion and Order as a result of last evening's meeting. I used, as
conditions, practically the exact language from the letter of Lorilee Crisostomo to Wagdy
Guirguis in which she sets out the conditions needed to be met by GRRP. These are, to

my recollection, what was stated during the meeting as needed to be done by GRRP.

Your comments, corrections, clarifications are appreciated. I am not sending this to the parties yet. Would like your earlier comments if you choose to make them. Thank You.
John.

John Weisenberger

Assistant Attorney General

Office of the Attorney General

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671-475-3324 (ext) ____

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

Which stars will make the biggest headlines in 2009? [Get Hollywood news, celebrity photos and more with the PopEater Toolbar.](#)

A Good Credit Score is 700 or Above. [See yours in just 2 easy steps!](#)



Office of the Attorney General
 Alicia G. Limtiaco
 Attorney General of Guam
 Civil Division
 287 West O'Brien Drive
 Hagåtña, Guam 96910 • USA
 (671) 475-3324 • (671) 472-2493 (Fax)
 e-mail: pisaac@guamattorneygeneral.com

RECEIVED
 MAR 03 2009
 Guam Environmental
 Protection Agency

Attorneys for the Government of Guam

**BEFORE THE BOARD OF DIRECTORS
 GUAM ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF:)
)
 GUAM RESOURCE RECOVERY)
 PARTNERS SOLID WASTE)
 MANAGEMENT FACILITY PERMIT)
 APPLICATION FOR GUATALI)
 MUNICIPAL LANDFILL,)
)
 Respondent,)
)
 GUAM ENVIRONMENTAL)
 PROTECTION AGENCY by and)
 through its ADMINISTRATOR,)
 LORILEE CRISOSTOMO,)
)
 Respondent.)

**NOTICE OF INTENT TO APPEAL
 TO THE SUPERIOR COURT OF
 GUAM THE MOTION AND
 ORDER OF THE GUAM
 ENVIRONMENTAL PROTECTION
 AGENCY BOARD DELIVERED
 FEBRUARY 26, 2009**

(10 GCA § 51109(e))

Guam Environmental Protection Agency ("GEPA") by and through its Administrator,
 by counsel, hereby gives notice, pursuant to 10 GCA § 51109(e), of intent to appeal to the
 Superior Court of Guam the decision of the GEPA Board by way of Motion and Order of the
 Board delivered February 26, 2009 ordering the Administrator issue a Conditional Permit to

1 Guam Resource Recovery Partners for the further design and construction of a Municipal Solid
2 Waste Landfill facility and hereby requests a transcript of the proceedings.

3 Dated this 3rd day of March, 2009.

4 OFFICE OF THE ATTORNEY GENERAL
5 **Alicia G. Limtiaco, Attorney General**

6
7 By:



8 **PHILIP D. ISAAC**
9 Assistant Attorney General
10 Attorneys for Respondent Guam EPA by
11 and through its Administrator
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page -2-

GEPA Administrator Notice of Intent to Appeal to the Superior Court of Guam the Motion and Order of the GEPA Board
Delivered February 26, 2009.

John Weisenberger

From: Georgelai [georgelai@aol.com]
Sent: Monday, March 09, 2009 1:59 PM
To: John Weisenberger, alfredlam@ambyth.guam.net; fpcguam@yahoo.com
Subject: LIZ CRUZ....

HAFA ADAI UNCLE ALFRED AND JOHN:

I JUST TALKED TO THE GOV. AND HE IS TO SEND LIZ CRUZ TO US ON WED.
1:00PM
AT THE CHINESE CHAMBER OF COMMERCE FOR THE GRRP MATTER! AND I
ALSO MENTIONED
TO HIM THAT LORILEE IS TAKING THE GEPA BOARD OF DIRECTORS TO THE
COURT!
ANYWAY, I WILL SEE YOU ALL ON WED. FOR THE HEARING AT 1:00PM...
REGARDS,
GL

Worried about job security? [Check out the 5 safest jobs in a recession.](#)

ATTACHMENT 9

From: Georgelai [georgelai@aol.com]
Sent: Tuesday, March 10, 2009 12:11 PM
To: John Weisenberger; sabrina.cruzsablan@guamepa.net; alfredlam@ambyth.guam.net; parkandrewc@hotmail.com; Dr. Thomas N. Poole; fms_sanchez@yahoo.com; loidaliclic@aol.com; rperron@ite.net; ron@securitytitle.net; sabrina cruz-sablan
Cc: Arthur Clark; elisabeth.cruz@guam.gov; jdamian@calvoclarck.com; Phil Isaac
Subject: Re: re GRRP Appeal
HAFA ADAI ALL:

I HAVE TALKED TO THE GOV. AND SHANNON AT THE LEGAL THAT WE WOULD LIKE TO KEEP LIZ CRUZ INSTEAD! DOES N' T IVAN HAS A CONFLICT OF INTEREST?? THEY ARE TO CONVINCEN LORILEE TO APPOINT LIZ INSTEAD! SEE YOU ALL TOMORROW AT 1:00PM...
REGARDS,
GL

In a message dated 03/10/09 09:03:06 West Pacific Standard Time, jweisenberger@guamattorneygeneral.com writes:

Good Morning Board Members. Attached, please find a copy of the document whereby Lorilee Crisostomo has delegated her authority to an engineer on her staff, Mr. Ivan Quinata for purposes of the GRRP permit application. John.

John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext)____
Fax: 671-472-2493
Email: jweisenberger@guamattorneygeneral.com
URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.< o:p>

Worried about job security? [Check out the 5 safest jobs in a recession.](#)



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658 /9 • FAX: 477-9402

March 9, 2009

INTER-OFFICE MEMORANDUM

TO: Ivan Quinata, Chief Engineer
FROM: Administrator
SUBJECT: Authorizing Official for permit applications

Effective immediately, you are now the agency's designated Authorizing Official for the **GRRP permit applications** and all other permits issued by the Water Programs of this agency.

Please note that the attached proper authorization form is also in accordance to this memo.

Si Yu'us Ma'ase.


LORILEE T. CRISOSTOMO

attachment

cc: Guam EPA Board of Directors

"ALL LIVING THINGS OF THE EARTH ARE ONE"

From: Lorilee Crisostomo [Lorilee.Crisostomo@guamepa.net]
Sent: Wednesday, March 11, 2009 12:13 PM
To: Georgelai; John Weisenberger; alfredlam@ambyth.guam.net; parkandrewc@hotmail.com; fms_sanchez@yahoo.com; loidaliclic@aol.com; rperron@ite.net; ron@securitytitle.net; Phil Isaac
Cc: Sabrina Cruz-Sablan
Subject: FW: FW: GRRP Admin Appeal- Acting Administrator for this matter

Board Members,

I apologize for all this confusion. Per Shannon's latest email just now to me and a phone call from Phil Isaac, the decision with Ivan stands.

Thank you for your understanding.

Lorilee

From: Lorilee Crisostomo
Sent: Wednesday, March 11, 2009 12:26 PM
To: 'Elisabeth.Cruz@guam.gov'
Subject: FW: FW: GRRP Admin Appeal- Acting Administrator for this matter

Lis,

Thanks for your other email to the board. I'm sharing this with you.

Hopefully, resolution would take place.

Lorilee

From: Lorilee Crisostomo
Sent: Wednesday, March 11, 2009 12:12 PM
To: 'shannon taitano lujan'
Cc: 'roxanegarrido@gmail.com'; 'georgebamba@hotmail.com'; 'shawn.gumataotao@guam.gov'; 'ray.haddock@guam.gov'; 'Phil Isaac'
Subject: RE: FW: GRRP Admin Appeal- Acting Administrator for this matter

Shannon,

I am bringing it up because it has yet to be clarified what is what. Phil recommended that I designate either Ivan Quinata (Chief Engineer) or Benny Cruz (Water Resource Manager who already is designated by me as the point of contact dealing day to day communications with GRRP.) Under my jurisdiction, I prefer to assign a senior manager (division head) to take such a responsibility. The Chairman is questioning why Lis cannot be the acting administrator for this issue per direction by Governor.

I know what I can do under my purview. However, I am not up to speed with the purview of the Board nor the Governor.

I'm caught in a precarious situation since I have already reclude myself. However, I feel that my recusal is not effective completely unless the matter of who is to take my place regarding GRRP is with everyone's agreement. I thought assigning Ivan was the answer.

Is it possible to get assistance from Lou at DOA or even Naomi from CSC or even Rox (HR expert?) as to what we can all do and is in compliance?

Lorilee

From: shannon taitano lujan [mailto:shannon.taitano.lujan@guam.gov]

Sent: Wednesday, March 11, 2009 11:18 AM

To: Lorilee Crisostomo

Cc: Shannon Taitano; ray.haddock@guam.gov; georgebamba@hotmail.com; shawn.gumataotao@guam.gov; Georgelai; alfredlam@ambyth.guam.net; Phil Isaac

Subject: Re: FW: GRRP Admin Appeal- Acting Administrator for this matter

Lorilee,

I'm not sure why you are bringing up the acting administrator issue. Please clarify?

i was initially informed by Phil Isaac of the relationship between Mr. Quinata and Mr. Sablan. Phil asked us for our position and i informed him that i was told there were concerns regarding a potential conflict of interest.

We understand it is your designation and we are not sure why Phil Isaac is asking for our opinion.

shannon

On Tue, Mar 10, 2009 at 5:28 PM, Lorilee Crisostomo <Lorilee.Crisostomo@guamepa.net> wrote:

Shannon,

In regards to an Acting Administration, I have to either be off-island or resigned from my position for the Governor to appoint Lis Cruz as the Acting. Lis's acting capacity ended February 28th. (I plan to be off-island again the week of April 13th.) As of yesterday, I was left with no other option but to take the advice from our legal counsel.

I chatted with Ivan and this time he accepted. (His concern before was that an employee or two might have reservations of him knowing Dave Sablan thru his brother. Who does not know Dave Sablan?) Please note that Ivan has already been given authority to approve permits under the water division. (This is a standard practice implemented in the agency for many years that the Chief Engineer signs off water permits.) However, my recent memo gave Ivan the authorization to oversee GRRP permits under the Air & Land Division as well as the alternate official for all other GovGuam documents.

Another option to consider would be for the Governor to appoint Lis Cruz as the Deputy Administrator effective tomorrow. With that, I can then appoint her to be the Authorizing Official in regards to all GRRP permit applications. The GG1 can follow later, but the Governor's letter has to be effective tomorrow prior to the special meeting in order for Lis to be attending as GEPA's Authorizing Official and Deputy Administrator. If not Lis, then perhaps another special/staff assistant from Adelup can be considered.

I believe that all the above are within personnel rules and regulations.

I will be attending the meeting with the Port Authority (per Glenn's request) tomorrow at 1pm, same time as the Special Board mtg. Let me know what has been decided prior to the meetings.

Thanks,

Lorilee

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Tuesday, March 10, 2009 4:06 PM
To: Lorilee Crisostomo
Subject: FW: GRRP Admin Appeal- Acting Administrator for this matter

Lorilee,

FYI,

Phil

From: Phil Isaac
Sent: Tuesday, March 10, 2009 3:00 PM

To: 'shannon taitano lujan'
Cc: Patrick Mason
Subject: RE: GRRP Admin Appeal- Acting Administrator for this matter

Shannon,

What specific conflict? I know Ivan was reluctant at first to get involved because, as I understand it, his family is friendly close to Dave Sablan's family. Given the need, however, for someone to step up to the plate, I further understand he can put that "conflict" aside. If Lorilee has no concern and believes he has the backbone and can conscientiously and knowledgeably do the job, what's the beef?

Phil

From: shannon taitano lujan [mailto:shannon.taitano.lujan@guam.gov]
Sent: Tuesday, March 10, 2009 2:53 PM
To: Phil Isaac
Cc: Patrick Mason
Subject: Re: GRRP Admin Appeal- Acting Administrator for this matter

Phil,

i've been informed that there are concerns with Mr. Quinata's potential conflict of interest in the GRRP matter. shannon

On Tue, Mar 10, 2009 at 9:46 AM, Phil Isaac <pisaac@guamattorneygeneral.com> wrote:

Shannon,

Does Adelup support Lorilee's designation of the GEPA Chief Engineer to take charge in this matter? That's the crunch issue.

Phil

From: shannon taitano lujan [mailto:shannon.taitano.lujan@guam.gov]
Sent: Tuesday, March 10, 2009 8:44 AM
To: Phil Isaac
Cc: Patrick Mason
Subject: Re: GRRP Admin Appeal- Acting Administrator for this matter

Phil, if an acting administrator appointment by the Governor is necessary for this process, it seems the Governor would not have a problem appointing lis cruz since it is the Board's recommendation. the chair has personally spoken to the Governor and has requested that Lis Cruz be "detailed" to GEPA for this matter. please advise whether the appointment is required. thanks! shannon

On Tue, Mar 10, 2009 at 8:18 AM, Phil Isaac <pisaac@guamattorneygeneral.com> wrote:

Shannon,

I suppose there are no magic words. In the past, when the Administrator has been off-island for example, my recollection is that Adelup has appointed an Acting Administrator. If you are satisfied the Administrator may appoint an "Authorizing Official" for this purpose. I have no problem and see none so long as it has Adelup's blessing.

Phil

From: shannon taitano lujan [mailto:shannon.taitano.lujan@guam.gov]
Sent: Tuesday, March 10, 2009 7:50 AM
To: Phil Isaac
Cc: Patrick Mason
Subject: Re: GRRP Admin Appeal- Acting Administrator for this matter

Phil, please clarify, i thought the administrator had to appoint an authorized rep for the GRRP permit and she did. does their have to be an acting administrator as well? if so, the board has directed lis cruz to be appointed. shannon

On Wed, Mar 4, 2009 at 2:30 PM, Phil Isaac <pisaac@guamattorneygeneral.com> wrote:

Shannon,

With regard to an Acting Administrator for this matter, while no one on GEPA staff is eager to take that position, there are two who may be persuaded. One is the GEPA Chief engineer, Ivan Quinata, who has been reluctant since his family has a close relationship with Dave Sablan's family. Still, he might step up to the plate if necessary to fill the slot. The other is benny Cruz who has been leading the GEPA technical team in this review. Benny has been reluctant because his plate is so full but, being a good soldier, will do it if necessary. In any event, decision is needed soonest.

Philip D. Isaac

Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL

287 West O'Brien Drive

Hagatna, Guam 96910

Telephone: (671) 475-3324 extension 145

Facsimile: (671) 472-2493

E-mail: pisaac@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

--

shannon taitano lujan
office of the governor of guam
(671) 472-8931~6

--

shannon taitano lujan
office of the governor of guam
(671) 472-8931~6

--

shannon taitano lujan
office of the governor of guam
(671) 472-8931~6

--

shannon taitano lujan
office of the governor of guam
(671) 472-8931~6

Conchita S.N. Taitano

From: H. Victor Wuerch
Sent: Wednesday, November 12, 2008 1:29 PM
To: Conchita S.N. Taitano; Mike Gawel
Subject: FW: GRRP Admin Appeal

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Wednesday, November 12, 2008 1:27 PM
To: H. Victor Wuerch; Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

Two full cycle seasons???

Phil

From: H. Victor Wuerch [mailto:Victor.Wuerch@guamepa.net]
Sent: Wednesday, November 12, 2008 1:17 PM
To: Phil Isaac; Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

Phil,

Unfortunately, it's not as simple as that. Seasonal aquifer characterization includes water level variations in three dimensions such that seasonal variations in groundwater flow rate and direction can be determined. The regulations specify that site-specific, seasonal, hydrogeologic data be collected and analyzed to accomplish this.

Vic

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Wednesday, November 12, 2008 12:26 PM
To: Phil Isaac; H. Victor Wuerch; Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

Victor,

If those drill rigs are in place fairly soon such that the porosity in that area can be determined, can we, based on historical rainfall data, extrapolate enough info to expedite the process?

Phil

From: Phil Isaac
Sent: Wednesday, November 12, 2008 12:07 PM
To: 'H. Victor Wuerch'; Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

ATTACHMENT 12

But no one has said in plain language to GRRP, hearing or otherwise, that satisfactory completion of the study will several seasons. Again, a communications problem.

Phil

From: H. Victor Wuerch [mailto:Victor.Wuerch@guamepa.net]
Sent: Wednesday, November 12, 2008 11:39 AM
To: Phil Isaac; Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

Phil,

I believe part of my testimony included reference to characterizing the uppermost aquifer on a seasonal basis. That means characterizing the aquifer during the rainy and dry seasons here on Guam. So however GRRP schedules their hydrogeologic characterization, seasonal climatic conditions will need to be considered. Barbara can reference the appropriate section in the regulations.

Vic

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Wednesday, November 12, 2008 11:32 AM
To: Lorilee Crisostomo
Cc: Barbara Torres; Barbara F. Torres; Benny Cruz; H. Victor Wuerch; victor wuerch; Mike Gawel
Subject: RE: GRRP Admin Appeal

Lorilee,

Victor has made no mention to me of the timelines you mention, i.e. 2 full cycle seasons, and no mention was made of this to GRRP in today's meeting. Why wasn't it??? GRRP will go through the roof presently anticipating this whole matter can be resolved within a few months at most. This puts Guam EPA in an awkward position to say the least.

Phil

From: Lorilee Crisostomo [mailto:Lorilee.Crisostomo@guamepa.net]
Sent: Wednesday, November 12, 2008 9:37 AM
To: Phil Isaac
Subject: RE: GRRP Admin Appeal

Phil,
I was sitting two chairs away from Wagdy Guriguis and he added in regards to dismissing the suit in Hawaii "... with reasonable timelines" in regards to the process of the permit application to be successful in his eyes. My understanding from Victor is that the Hydro study will take minimum 2 full cycle seasons (wet & dry and again wet & dry) to determine the groundwater flow, etc. as we required with the Dandan landfill. Would this be reasonable for GRRP?

In regards to the meeting this morning to show collaboration efforts with the two parties, I have appointed Benny Cruz to be the team leader/contact for the GRRP permit process. When my managers complete their discussions and have a draft letter ready for my review that is due Friday to GRRP, then I would meet with them to discuss their justifications for each items in the letter before placing my signature.

Talk to you later.
Lorilee

From: Phil Isaac [mailto:pisaac@guamattorneygeneral.com]
Sent: Wednesday, November 12, 2008 7:28 AM
To: Arthur Clark; jdamian@calvoclarck.com

Cc: Patrick Mason; Lorilee Crisostomo; John Weisenberger
Subject: GRRP Admin Appeal

At the close of the *Admin Appeal hearing on Monday*, the civil complaint in Hawaii having come into play, and suggestion made to Wagdy Guirguis, President of GRRP, by the Guam EPA Board Chair, that complaint be dismissed, Mr. Guirguis stated emphatically "it would be dismissed tomorrow", albeit without prejudice. As of this morning the PACER system does not show it dismissed. From that I gather a dismissal was not filed Monday, Hawaii date. It may be that with the waiver of service shown entered, a Rule 41(a)(1)(ii) stipulation is required. I would expect GRRP Hawaii counsel to initiate that.

Phil

Philip D. Isaac
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
287 West O'Brien Drive
Hagatna, Guam 96910
Telephone: (671) 475-3324 extension 145
Facsimile: (671) 472-2493
E-mail: pisaac@quamattorneygeneral.com
URL: www.quamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

rperron

From: "Georgelai" <georgelai@aol.com>
To: "Andrew Park" <parkandrewc@hotmail.com>; <jweisenberger@guamattorneygeneral.com>; "Bob Perron" <rperron@ite.net>; "Alfred Lam" <alfredlam@ambyth.guam.net>; <guamvet@gmail.com>; "Member GEPA" <fms_sanchez@yahoo.com>; "loidaliclic" <loidaliclic@aol.com>; <ron@securitytitle.net>
Cc: "Sabrina Sablan EPA" <sabrina.cruzsablan@guamepa.net>
Sent: Thursday, February 05, 2009 5:50 PM
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

HAFADA MR. PARK:

WE HAD ALL AGREED TO MEET LAST WEEK REGARDING THE CONDITIONAL PERMIT, THEN YOU SHOWN UP FOR FEW MINS AND LEFT?? I THINK IT'S ONLY RIGHT N FAIR THAT YOU ARE NOT INCLUDING TO VOTE ON THIS MATTER ANYMORE, SINCE YOU WERE NOT THERE FOR THE DISCUSSION AND THE VOTE!

FYI, WE ALL HAVE TO CANCEL ONE IMPORTANT MEETING WHEN YOU TOLD EVERYONE THAT YOU WILL BE THERE, AND GUESS WHAT?? YOU DID NOT SHOW UP WITHOUT NOTICE, AND THEN WE HAVE NO MEETING THAT DAY!!!

I UNDERSTAND THAT YOU ARE BUSY, SO DO I AND OTHER BOARD MEMBERS, PLS DON'T TELL US THAT YOU CAN BE HERE AND DON'T SHOW UP OR JUST COME AND GONE?? AND WANTA TO JUMP IN AND OUT AT ANYTIME????

ARE U COMING THIS WEDNESDAY???
 REGARDS,
 GL

In a message dated 02/05/09 15:15:13 West Pacific Standard Time, parkandrewc@hotmail.com writes:

John,

I just came back from my business travel; however, I have been reading through all your and other memebtrs' emails and noticed that I am out of the voting because of my early leaving from the last meeting. I do not agree with such idea since there was no testimony whatsoever of which absence can disqualify me from the voting of this case. Please calrify. Thanks,

Andrew C. Park
 Park's Office & Insurance
 P. O. Box 10629, Tamuning, Guam 96931
 Tel: (671) 649-8141/42/43

ATTACHMENT 13

Fax: (671) 649-9475
Cell: (671) 687-2630

Subject: RE: re GRRP Appeal; My response to Motion Duly Passed emails
Date: Thu, 5 Feb 2009 13:55:15 +1000
From: jweisenberger@guamattorneygeneral.com
To: rperron@ite.net; alfredlam@ambyth.guam.net; parkandrewc@hotmail.com;
guamvet@gmail.com; fms_sanchez@yahoo.com; Georgelai@aol.com; Loidaliclic@aol.com;
ron@securitytitle.net
CC: Sabrina.CruzSablan@guamepa.net

Thank you Bob. I can add the term '...and Approval...' to V. It would then read:

Guam Resource Recovery Partners completing a Continuing Review and Approval by Guam Environmental Protection Agency of the exhibits to the application and design review of the application as prompted by receipt from Guam Resource Recovery Partners of updated documents, responses to comments, and finalization of the Hydrogeological Study as per II and III, above.

Comments from others (and the peanut gallery)? John.

John Weisenberger

Assistant Attorney General

Office of the Attorney General

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671-475-3324 (ext)___

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately

by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

From: Robert Perron [mailto:rperron@ite.net]
Sent: Thursday, February 05, 2009 1:46 PM
To: John Weisenberger; alfredlam@ambyth.guam.net; parkandrewc@hotmail.com; Dr. Thomas N. Poole; fms_sanchez@yahoo.com; Georgelai@aol.com; Loidaliclic@aol.com; ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

John,

Maybe section V could say "review and approval". It might be implied that review means approving also. Your thoughts?

Bob Perron

----- Original Message -----

From: John Weisenberger
To: alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Georgelai@aol.com ; Loidaliclic@aol.com ; rperron@ite.net ; ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Sent: Thursday, February 05, 2009 12:22 PM
Subject: re GRRP Appeal; My response to Motion Duly Passed emails

Greetings George, Alfred, Ron, Bob, Flori, Tom and Andrew,

I have reviewed all of the emails. I have found your discussion very helpful and I would like to provide some responses leading toward an understanding of what you have already agreed upon, how to state it, and an explanation that is required.

I. Bob has reported that GEPA staff are in some way offended by condition V. on page three of the document. Apparently this is seen as some indication that the Board needs to tell them to do their jobs. Quite the contrary.

Condition V should be read as follows:

... conditioned upon GRRP meeting the following specific conditions: ... V. A Continuing Review by Guam Environmental Protection Agency of the exhibits to the application and design review of the application as prompted by receipt from GRRP of updated documents, responses to comments, and finalization of the Hydrogeologic Study.

This is a condition on GRRP, not on GEPA. It is intended as a catch-all condition to address the changing technical requirements for a permit as new information is evaluated by GEPA staff. It is not, and does not say, it is a condition on GEPA. In fact, it acknowledges that GEPA will continue to do its job, and GRRP is subject to this continuing scrutiny.

II. I have redrafted the conditions on page three. I hope that the redraft answers some of the concerns raised about clarity. Please see the attached Motion Duly Passed and Order with an amended page three.

I believe that this is a specific Conditional Permit. It does not contain the detail that the staff of both GEPA and GRRP are privy to, but it refers to all of that detail, without trying to set it out, in conditions II., III., IV., and V. Again, it leaves the ball in GEPA's hands and requires GRRP to complete all requirements as per GEPA regulations, and all the technical stuff that we just could never list.

III. Finally, I have removed the word 'construction' from page two so that the Administrator issues a conditional permit for the further design of a landfill, only. This should confirm that no construction can take place until, at least, a new conditional permit is given.

Your responses would be appreciated. Thank You, John.

John Weisenberger

Assistant Attorney General

Office of the Attorney General

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671-475-3324 (ext)___

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

Carnations mean admiration, Tulips mean love - what do Roses mean? **Find out now!**

rperron

From: "Georgelai" <georgelai@aol.com>
To: "Bob Perron" <rperron@ite.net>; "John Weisenberger" <jweisenberger@guamattorneygeneral.com>; <alfredlam@ambyth.guam.net>; <parkandrewc@hotmail.com>; "Dr. Thomas N. Poole" <guamvet@gmail.com>; <fms_sanchez@yahoo.com>; "Loidaliclic" <Loidaliclic@aol.com>; <ron@securitytitle.net>
Cc: <Sabrina.CruzSablan@guamepa.net>
Sent: Friday, February 06, 2009 5:23 AM
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

HEY BOB, I THINK IT' S BEST THAT WE DON' T TALK AND WRITE TO EACH OTHER ANYMORE THEN...
 SEE YOU AT THE BOARD MEETING!
 REGARDS,
 GL

In a message dated 02/06/09 03:03:55 West Pacific Standard Time, rperron@ite.net writes:

George,

You need to reread your e-mails before you send them. If you'll recall, you were the one that brought up the question of whether Benny and I were speaking for GRRP. If you'd pay a little more attention in the meetings and desist from all of your little side discussions, you might actually figure out what's going on. I'm growing more than a little tired of all of your ranting and raving and disrespect to the other Board members!!!!!!!!

Regards,

Bob .

----- Original Message -----

From: Georgelai
To: Bob Perron ; John Weisenberger ; alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Loidaliclic ; ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Sent: Thursday, February 05, 2009 11:52 PM
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

BOB:

YOU ARE NOT READING MY E-MAIL CORRECTLY!!!!!!
 GRRP DID NOT TELL ME ANYTHING, NOR DID I TALK TO THEM AT ALL!!!
 THE ONLY TIME THAT I TALK TO THEM IS DURING THE BOARD MEETINGS...
 PLS DON' T ASSUME ANYTHING, YOU ARE MAKING "AN ASS OUT OF U AND ME"???
 JOHN, I THINK IT' S THE BEST THAT WE PULLED OUT THE "MINUTE" FROM THE LAST BOARD MEETING AND FOLLOW THE DECISION THAT WE ALL MADE BASED ON THE MINUTE THAT WAS RECORDED!!

GL

In a message dated 02/05/09 20:35:41 West Pacific Standard Time, rperron@ite.net writes:

George,

I assumed by your previous e-mail to me suggesting that Benny and I were somehow speaking on behalf of GRRP that you disagreed because GRRP was telling you something different. Based on your previous e-mails and proposals, it sure seemed to be a logical conclusion. You still don't seem to understand the fact that they can proceed with their work and that they don't need the conditional permit to construct the road or do the environmental studies and testing. I don't know who is telling you different.

Bob Perron

----- Original Message -----

From: Georgelai

To: Robert Perron ; John Weisenberger ; alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Loidaliclic ; ron@securitytitle.net

Cc: Sabrina.CruzSablan@guamepa.net

Sent: Thursday, February 05, 2009 5:11 PM

Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

BOB, I HAVE NOT TALKED TO GRRP! NOR DO I WANT TO??
PLS DON' T GO THERE!!!

BUT I DO WANT TO HEAR FROM THEM ON WED. AND TELL
US WHAT THEY WERE EXACTLY ASKING
FOR, WHEN THEY ASKED FOR THE CONDITIONAL PERMIT
AND WE, THE BOARD HAS VOTED
AND ORDERED THE ADMINISTRATOR TO ISSUE THE
CONDITIONAL PERMIT TO ALLOW THEM TO
START TO WORK ON THE PROJECT!

AGAIN, I THINK, IT' S THE BEST, WE JUST WAIT TILL WED.
AND CLEAR ALL THIS MATTER ALL TOGETHER AT THE
BOARD MEETING!

REGARDS,

GL

In a message dated 02/05/09 17:01:58 West Pacific Standard Time, rperron@ite.net writes:

George,

Benny is talking to GRRP on a daily basis. He relayed his impression. The big question isn't time, it's getting it right! Is GRRP telling you something different?

Regards,

Bob perron

----- Original Message -----

From: Georgelai

To: Robert Perron ; John Weisenberger ; alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Loidaliclic ; ron@securitytitle.net

Cc: Sabrina.CruzSablan@guamepa.net

Sent: Thursday, February 05, 2009 4:52 PM

Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

HAFADA BOB AND THE BOARD:

SOUND LIKE YOU AND BENNY ARE SPEAKING FOR THE GRRP???

I THINK IT' S THE BEST, WE WAIT TILL WED. AND HAVE EVERYONE THERE

TO CLEAR WHAT WAS THE CONDITIONAL PERMIT WAS GRANTED, WITH WHAT

CONDITIONS AGAIN??? WHEN ALL THE PARTIES ARE THERE AT THE SAME TIME!!

REGARDS, THE BIG QUESTION IS???? TIME RIGHT???

GL

In a message dated 02/05/09 16:25:51 West Pacific Standard Time, rperron@ite.net writes:

George, All,

I do not believe that we have the authority under Guam law to allow construction on a landfill to begin until all of the environmental work has been done (to my understanding of the law, correct me if I'm wrong, John). The hydrogeologic study cannot be done until the road is built and the heavy equipment has access to the site. GRRP is at least 6 months away from being able to begin construction on a landfill. The road and bridges will take 2-3 months (conservatively speaking) and the hydrogeologic study could take as little as a couple of months up to a possibility of 6 months (depending on conditions on the ground and whether or not a wet and dry season study is needed). On top of all of this, the public hearing must be noticed and held prior to even the conditional permit being granted. This process is not going to happen overnight. GRRP doesn't even expect it to. According to Benny Cruz, GRRP wasn't even expecting to necessarily be granted the conditional permit immediately. They were just looking for a positive indication that a conditional permit would be issued in the future. Referencing your question as to "why issue the conditional permit at all if they have to wait for the final permit to begin construction?" The reason is so they can go get financing. This is the reason that they gave the Board as to why they wanted the conditional permit. Without the conditional permit, they can't get the money to build the road, without the road they can't access the site to do the environmental work. We have a duty to do this properly and protect the island and the environment. Be patient guys, we all want to do the right thing, we just can't rush the process.

Regards,

Bob Perron

----- Original Message -----

From: Georgelai

To: Robert Perron ; John Weisenberger ; alfredlam@ambyth.guam.net ;
parkandrewc@hotmail.com ; Dr. Thomas N. Poole ;
fnis_sanchez@yahoo.com ; Loidaliclic ; ron@securitytitle.net

Cc: Sabrina.CruzSablan@guamepa.net

Sent: Thursday, February 05, 2009 2:52 PM

Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

THE BOARD VOTED ON GRANTING THEM THE
 CONDITIONAL PERMIT TO BEGIN THE
 WORK, IT' S OUR INTENTION TO ALLOW THEM
 TO BEGIN THE CONSTRUCTION, WHILE
 MEETING THE CONDITIONS THAT WE SET,
 THEN AFTER MEETING THOSE CONDITIONS,
 THEN A FINAL PERMIT CAN BE
 ISSUED....BASICALLY THE BOARD DECIDED TO
 ALLOW THEM
 SIMULTANEOUSLY TO BEGIN TO WORK AND
 MEETING THE CONDITIONS WITHOUT WASTING
 ANYMORE
 TIME, OR ELSE, IT WILL TAKE MONTHS BEFORE
 THE CONDITION PERMIT IS GRANTED??? WHAT'
 S THE
 REASONING HERE??? IF ALL THOSE PRE-
 CONDITIONS CAN BE MET?? THEN WHY DON' T
 WE JUST ISSUE
 THE FINAL PERMIT THEN?? WHY ASK FOR
 "CONDITIONAL PERMIT"????
 HOPE TO SEE YOU ALL ON WEDNESDAY!!! LET'
 S BE "FAIR", AND DO WHAT' S RIGHT FOR THE
 PEOPLE OF GUAM!
 REGARDS,
 GL

In a message dated 02/05/09 14:32:18 West Pacific Standard
 Time, rperron@ite.net writes:

A conditional permit does not allow them to construct anything
 (nor is it intended to). The only reason they wanted the
 conditional permit was for financing purposes. Construction
 can only begin when all of the environmental work has been
 performed and signed off by EPA. They must build their road
 (which they are already permitted for) which is not being held
 up by the issuance of the conditional permit, then they must do
 their hydrogeologic study along with all of the rest of the
 environmental studies and reports (they don't need the
 conditional permit for this either). Once these things have
 done, then they can apply for their final permit and begin actual
 construction of the landfill. Don't believe everything that you
 read in the newspaper. From my reading of it, very little of it is

true. John, please let me know if my assessment is correct.

Regards,

Bob Perron

----- Original Message -----

From: Georgelai

To: John Weisenberger ; Robert Perron ;
alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr.
Thomas N. Poole ; fms_sanchez@yahoo.com ; Loidaliclic ;
ron@securitytitle.net

Cc: Sabrina.CruzSablan@guamepa.net

Sent: Thursday, February 05, 2009 2:14 PM

Subject: Re: re GRRP Appeal; My response to Motion Duly
Passed emails

HABA ADAI JOHN AND THE BOARD:

I DISAGREE WITH YOU BY TAKING OUT
THE WORD "CONSTRUCTION", ONLY
ALLOW THE DESIGN???
JUST TO BE FAIR, WHEN GRPP ASKED
FOR THE CONDITIONAL PERMIT IS TO
ALLOW THEM TO BEGIN THE
WORK! ALL THESE BACK AND FORTH OF
THE LANGUAGE IS GETTING ME
CONFUSED??? MAY BE IT' S BEST
THAT WE LAY OUT ALL THOSE
CONDITIONS DURING NEXT WEEK' S
MEETING, WHEN BOTH SIDES ARE
THERE,
GO LINE BY LINE, AND HOPEFULLY BOTH
PARTIES CAN COME UP WITH AN
AGREEMENT TO MOVE FORWARD!
I DO NOT WISH TO SIGN OFF THIS
ORDER AS RIGHT NOW!
SEE YOU ALL ON WEDNESDAY!
REGARDS,
GEORGE LAI
GEPA CHAIRMAN.....

In a message dated 02/05/09 13:56:37 West Pacific
Standard Time,
jweisenberger@guamattorneygeneral.com writes:

Thank you Bob. I can add the term '...and
Approval...' to V. It would then read:

Guam Resource Recovery Partners completing a
Continuing Review and Approval by Guam

Environmental Protection Agency of the exhibits to the application and design review of the application as prompted by receipt from Guam Resource Recovery Partners of updated documents, responses to comments, and finalization of the Hydrogeological Study as per II and III, above.

Comments from others (and the peanut gallery)?
John.



John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext) ____
Fax: 671-472-2493
Email: jweisenberger@guamattorneygeneral.com
URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system. & amp; amp; lt; o:p>

From: Robert Perron [<mailto:rperron@ite.net>]
Sent: Thursday, February 05, 2009 1:46 PM
To: John Weisenberger;
alfredlam@ambyth.guam.net;
parkandrewc@hotmail.com; Dr. Thomas N. Poole;
fms_sanchez@yahoo.com; Georgelai@aol.com;
loldaliclic@aol.com; ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Subject: Re: re GRRP Appeal; My response to Motion Duly Passed emails

John,

Maybe section V could say "review and approval". It might be implied that review means approving also. Your thoughts?

Bob Perron

----- Original Message -----

From: John Weisenberger
To: alfredlam@ambyth.guam.net ;

parkandrewc@hotmail.com ; Dr. Thomas N. Poole ;
fms_sanchez@yahoo.com ; Georgelai@aol.com ;
Loidaliclic@aol.com ; rperron@ite.net ;
ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Sent: Thursday, February 05, 2009 12:22 PM
Subject: re GRRP Appeal; My response to Motion
Duly Passed emails

Greetings George, Alfred, Ron, Bob, Flori, Tom and Andrew,

I have reviewed all of the emails. I have found your discussion very helpful and I would like to provide some responses leading toward an understanding of what you have already agreed upon, how to state it, and an explanation that is required.

I. Bob has reported that GEPA staff are in some way offended by condition V. on page three of the document. Apparently this is seen as some indication that the Board needs to tell them to do their jobs. Quite the contrary.

Condition V should be read as follows:

... conditioned upon GRRP meeting the following specific conditions: ... V. A Continuing Review by Guam Environmental Protection Agency of the exhibits to the application and design review of the application as prompted by receipt from GRRP of updated documents, responses to comments, and finalization of the Hydrogeologic Study.

This is a condition on GRRP, not on GEPA. It is intended as a catch-all condition to address the changing technical requirements for a permit as new information is evaluated by GEPA staff. It is not, and does not say, it is a condition on GEPA. In fact, it acknowledges that GEPA will continue to do its job, and GRRP is subject to this continuing scrutiny.

II. I have redrafted the conditions on page three. I hope that the redraft answers some of the concerns raised about clarity. Please see the attached Motion Duly Passed and Order with an amended page three.

I believe that this is a specific Conditional Permit. It does not contain the detail that the staff of both GEPA and GRRP are privy to, but it refers to all of that detail, without trying to set it out, in conditions II., III., IV., and V. Again, it leaves the ball in GEPA's hands and requires GRRP to complete all requirements as per GEPA regulations, and all the technical stuff that we just could never list.

III. Finally, I have removed the word 'construction' from page two so that the Administrator issues a conditional permit for the further design of a landfill, only. This should confirm that no construction can take place until, at least, a new conditional permit is

given.

Your responses would be appreciated. Thank You,
John.



John Weisenberger
Assistant Attorney General

Office of the Attorney General
287 West O' Brien Drive
Hagatna, Guam 96910
Ph: 671-475-3324 (ext)____
Fax: 671-472-2493
Email: jweisenberger@guamattorneygeneral.com
URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.& amp; amp; amp; lt; o:p>

Garnations mean admiration, Tulips mean love - what do
Roses mean? **Find out now!**

Great Deals on Dell Laptops. Starting at \$499.

Garnations mean admiration, Tulips mean love - what do Roses mean? **Find out
now!**

Garnations mean admiration, Tulips mean love - what do Roses mean? **Find out now!**

Great Deals on Dell Laptops. Starting at \$499.

Carnations mean admiration, Tulips mean love - what do Roses mean? **Find out now!**

rperron

From: "John Weisenberger" <jweisenberger@guamattorneygeneral.com>
To: "Robert Perron" <rperron@ite.net>
Cc: <Sabrina.CruzSablan@guamepa.net>; "Arthur Clark" <aclark@calvoclarck.com>; <jdamian@calvoclarck.com>; "Phil Isaac" <pisaac@guamattorneygeneral.com>
Sent: Tuesday, February 24, 2009 12:08 PM
Subject: RE: re GRRP Appeal; Motion of the Board of Directors, Duly Passed as Clarified, and Order.

Hi Bob,

I may have missed an email. I do not remember an email about our case, its progression forward, and the district court case. Please send me your question again and I will consider it and respond. John.



John Weisenberger
 Assistant Attorney General

Office of the Attorney General
 287 West O' Brien Drive
 Hagatna, Guam 96910
 Ph: 671-475-3324 (ext)____
 Fax: 671-472-2493
 Email: jweisenberger@guamattorneygeneral.com
 URL: www.guamattorneygeneral.com

<p>CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.</p>

From: Robert Perron [mailto:rperron@ite.net]
Sent: Tuesday, February 24, 2009 10:33 AM
To: John Weisenberger
Subject: Re: re GRRP Appeal; Motion of the Board of Directors, Duly Passed as Clarified, and Order.

John,

Have you received my e-mail regarding addressing the fact that our order is not intended to interfere with the order of the District Court? Also, would it be possible to have Andrew Park vote on the motion also? He agrees with it and I believe he would like to have his vote counted also. Thanks.

Regards,

Bob Perron

----- Original Message -----

From: John Weisenberger
To: alfredlam@ambyth.guam.net ; parkandrewc@hotmail.com ; Dr. Thomas N. Poole ; fms_sanchez@yahoo.com ; Georgelai@aol.com ; Loidaliclic@aol.com ; rperron@ite.net ; ron@securitytitle.net
Cc: Sabrina.CruzSablan@guamepa.net
Sent: Monday, February 23, 2009 9:01 AM
Subject: FW: re GRRP Appeal; Motion of the Board of Directors, Duly Passed as Clarified, and Order.

Good Morning Board Members,

ATTACHMENT 15

I'm sure you are tired of hearing from me.

I did not receive any feed back on this from last week. Perhaps this means it is fine and I should send it around for your signature. Perhaps it means that you have a real life out there and this is not part of it.

Whichever, I would love to bring this dicey matter of the motion for conditional permit to a final conclusion. I will send this around tomorrow for signature unless there is request to amend. The only substantive change is to the first paragraph of the motion. That is all you decided to clarify. My memo resolved the other matter, and I believe I forwarded that via email. Thank You for your patience with this process. John.



John Weisenberger
Assistant Attorney General

Office of the Attorney General

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671-475-3324 (ext)____

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

From: John Weisenberger

Sent: Thursday, February 19, 2009 10:40 AM

To: Alfred Lam (alfredlam@ambyth.guam.net); Andrew C. Park (parkandrewc@hotmail.com); Dr. Thomas N. Poole; fms_sanchez@yahoo.com; Georgelai@aol.com; Loidalclitic@aol.com; Robert A. Perron (rperron@ite.net); Ronald M. Young (ron@securitytitle.net)

Cc: Sabrina Cruz-Sablan (Sabrina.CruzSablan@guamepa.net)

Subject: re GRRP Appeal; Motion of the Board of Directors, Duly Passed as Clarified, and Order.

Good Morning,

Attached, please find the clarified Motion Duly Passed, etc. Please review this. Once we agree on this document, I will once again send copies around for your review and signature.

As this was being prepared by me I began to understand that I will need to file the original Motion of the Board of Director, Duly Passed, and Order and then file this once completed.

By the way, I decided that this motion is very clear as to its complete application to any 'further developments' as that concern was raised by Mr. Isaac. This is especially clear now that the parties requested that we amend the language in the first paragrap of the motion to refer to Title 22, Division 4 in its entirety.

Your comments please.



John Weisenberger
Assistant Attorney General

Office of the Attorney General

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671-475-3324 (ext)____

Fax: 671-472-2493

Email: jweisenberger@guamattorneygeneral.com

URL: www.guamattorneygeneral.com

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

rperron

From: "Georgelai" <georgelai@aol.com>
To: <rperron@ite.net>; "John Weisenberger" <jweisenberger@guamattorneygeneral.com>; "sabrina cruz-sablan" <sabrina.cruzsablan@guamepa.net>; "laida holmes" <loidaliclic@aol.com>
Cc: <alfredlam@ambyth.guam.net>; <parkandrewc@hotmail.com>; "Dr. Thomas N. Poole" <guamvet@gmail.com>; <fms_sanchez@yahoo.com>; "loidaliclic" <loidaliclic@aol.com>; <rperron@ite.net>; <ron@securitytitle.net>; <sabrina.cruzsablan@guamepa.net>
Sent: Thursday, April 02, 2009 12:00 PM
Subject: Re:

HAFA ADAI BOARD:

I AM KINDA TIRED OF READING ALL THOSE E-MAILS??????, LONG E-MAILS??????????

I DO NOT WISH TO DO HOME WORK, WHAT I MEAN IS, I LIKE TO MAKE DECISION DURING THE BOARD

MEETING WITH ALL MY BOARD OF DIRECTORS THERE!!!!

LIKE EVERYONE OF US HAS FULL TIME JOB, BUSINESS TO RUN AND FAMILY TO TAKE CARE!! THERE' S

NO REASON WE NEED TO TAKE ADDITIONAL WORKS HOME!!!

THEREFORE, I SUGGEST THAT JOHN BRINGS HIS WORK TO THE BOARD MEETING AND WE SHALL FINISH

IT THERE, IF WE NEED TO STAY BEHIND, WE CAN DO SO, OR EVER START THE MEETING EARLIER!

BOARD, PLS COMMENT???

REGARDS,

GEORGE LAI

GEPA CHAIRMAN...

PS: NO, I DO NOT WISH TO MAKE DECISION THRU E-MAIL ANYMORE! LET' S DO IT DURING OUR BOARD MEETING!!

In a message dated 04/01/09 09:30:57 West Pacific Standard Time, rperron@ite.net writes:

John,

It's fine with me as long as it is crystal clear that the final approval and any construction will not occur until all provisions of Guam law are met. Also, in the findings of fact, is it possible to state tht GRRP's request for the conditional permit/approval is for the sole purpose of securing financing and that this is the basis of the Board's decision in favor of the conditional approval?

Regards,

Bob Perron

ATTACHMENT 16

> Good Morning George, Alfred, Bob, Ron, Flori, Andrew and Tom,
>
> I know I have sent you a lot of work lately; the Findings of Fact on
Thursday, and the Resolution on Monday.
>
> We have a meeting scheduled for Wednesday, April 8, at 2:00 p.m. at the
Chinese Chamber of Commerce. It is my hope to finalize these two
matters at the meeting and gather signatures at that time.
>
> If you need to 'sort out' any issues prior to then, this 'sorting out'
needs to begin now so that you might avoid this time consuming process
at the meeting. Therefore, if you have a concern about either of these
documents, I would request that you take advantage of this format to
express your position.
>
> Also, I would like to share these two matters with counsel for the
parties prior to the 8th. I expect some significant reaction from them.
I would prefer that the parties be reacting to a document that the Board
believes is 'final'.
>
> I have heard from Ron. He had no recommended changes for either
> document, as I recall. Does anyone else wish to comment? I await your
response. Thank You again for your service. John.
>
> p.s. Met with the lawyers involved in the Taitano NOV yesterday. They
are discussing that matter. Seems likely that they will request an
adjournment on the 8th. I advised them that we will need to call that
matter and put the adjournment 'on the record' on the 8th. So,
> hopefully on the 8th we will only have GRRP to commit time to. John.
>
>
> John Weisenberger
>
> Assistant Attorney General
>
>
> Office of the Attorney General
>
> 287 West O' Brien Drive
>
> Hagatna, Guam 96910
>
> Ph: 671-475-3324 (ext)____
>
> Fax: 671-472-2493
>
> Email: jweisenberger@guamattorneygeneral.com
>
> URL: www.guamattorneygeneral.com <<http://www.guamattorneygeneral.com>>
>
>
>
> CONFIDENTIALITY NOTICE: This email and any files transmitted with it

may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, > dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

>
>
>

Get there faster with the MapQuest Toolbar. [Try it now.](#)